

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

KYLE BENGSTON,

Plaintiff,

V.

DAVID BAZEMORE, O.D. et al.

Defendants.

3:06-cv-00569-MEF

REPORT OF DEFENDANT'S EXPERT WITNESS (DR. BRETT BASDEN)

My name is Brett Basden. I am a licensed optometrist in the State of Alabama. I have been in private practice in Auburn, Alabama for 15 years. I am familiar with the standard of care that must be employed by optometrists in the State of Alabama.

Based upon my review of office and exam notes of Dr. David Bazemore, O.D., Dr. Gregory Sepanski, M.D., and Dr. Reed Cooper, I offer the following opinion of the care provided to Kyle Bengston by Dr. Bazemore:

David Bazemore performed a thorough comprehensive eye examination and met the standard of care in providing eye care to the Plaintiff. Mr. Bengston has acute glaucoma and not typical open angle glaucoma. Mr. Bengston has no risk factors for acute glaucoma that would require testing beyond the comprehensive exam performed by David Bazemore. The diagnosis of this type of glaucoma can only be done when the patient is in the acute stages of glaucoma with

intraocular pressure elevation. On each examination by Dr. Bazemore there was no evidence of elevated intraocular pressure consistent with this type of acute glaucoma. Dr. Bazemore consistently performed tonometry at each visit to evaluate glaucoma. There was no clinically significant asymmetry in the pressure between the eyes when examined by Dr. Bazemore. He performed examination of the anterior chamber angle at each visit and recorded them as normal. There was no evidence of any chronic glaucoma. Optic nerves were normal and symmetrical with no pallor or atrophy. There was no evidence of afferent pupil defect which would indicate optic nerve damage. The ocular media, including the cornea, was examined with no evidence of corneal edema or inflammation consistent with acute glaucoma.

Mr. Bengston did complain of halos around lights on his examination with Dr. Bazemore on August 20, 2004. However, his pressure was normal at this visit, his anterior chamber angles was graded as open, and his cornea was clear with no evidence of corneal edema on examination. Halos around lights caused by glaucoma is due to corneal edema secondary to elevated pressure. Both of these were normal on his examination.

Dr. Bazemore performed all tests consistent with the standard of care in the State of Alabama. There was no evidence of glaucoma and no referral was indicated. No permanent vision loss or optic nerve damage was caused by lack of timely referral since there was no evidence of acute glaucoma on his examination.

I reserve the right to amend this opinion and it is subject to further discovery, including

the reading of Dr. Bazemore's deposition, the Plaintiff's expert's deposition, and Defendants' written discovery responses, which are not available at this time.

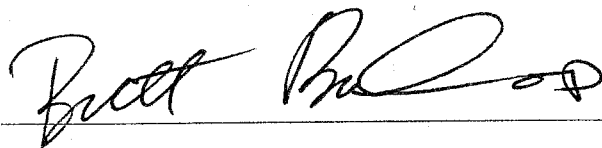
I may use the following exhibits or a summary of the following exhibits to support my opinions: models of the eye; diagrams of the eye; textbooks and other scholarly articles from optometric journals.

I have not testified as an expert within the preceding four (4) years.

I have not published any books or articles within the preceding ten (10) years.

My fee for serving Dr. David Bazemore, O.D. as an expert in this matter is \$100.00 per hour to review the case and prepare reports, \$200.00 per hour for deposition testimony, and \$1,000.00 per day for trial testimony.

This 7th day of May, 2007.

A handwritten signature in black ink, appearing to read "Brett Basden", is written over a horizontal line.

Dr. Brett Basden, O.D.